

Appl. No. 10/723,764
Amendment dated January 14, 2006
Response to Office Action of November 9, 2005

Remarks

This application has been carefully reviewed in light of the Office Action of November 9, 2005. By way of this amendment, claims 1 and 4 have been amended. New claims 6 – 7 have been added. Minor changes have been made to the specification. Claim 5 has been withdrawn. Claims 1-7 are pending. Applicant requests further review and reconsideration in light of the following remarks.

Applicant affirms the provisional election, with traverse, Of Group I, claims 1-4, for further prosecution. New claims 6-7 are drawn to the product as well.

Applicant has amended the specification to recite additional disclosure and examples via a replacement paragraph. This material is wholly contained in the provisional application 60/430,208 filed on December 2, 2002 from which priority of the instant application was claimed. Accordingly, no new matter is contained therein. Applicant has also amended specification by deleting baking soda from the Solution and also by deleting material that is repetitive in light of the amendments requested in this paper.

Claim 4 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response thereto, claim 4 has been rewritten to specify that the composition is by weight. It is submitted that claim 4 is definite as amended and the rejection should be withdrawn.

Claims 1-3 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,392,947 (Gentile). This rejection is respectfully traversed in light of the present amendment.

Gentile discloses a mouthwash product made from two solutions. The first contains water, hydrogen peroxide, phosphoric acid, and a dye, and the second contains sodium bicarbonate (i.e. "baking soda"), sodium lauryl sulfate, and a flavor. These solutions are stored separately to avoid unwanted premixture of the hydrogen peroxide and sodium bicarbonate before use, as specifically noted at column 1, lines 56-65. The only product disclosed and claimed in Gentile is this two-part solution which is stored in discreet compartments of a container so that the product will combine and effervesce during use.

In contrast, the present invention discloses a cleaning solution that does not effervesce in use and that does not contain baking soda. Although effervescence was

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thought to have a beneficial cleaning and/or disinfectant effect, it is now known that effervescence is actually detrimental and causes degradation when used to clean dentures. The present invention does not use effervescence or hot water to achieve its cleaning and this is pointed out in the amendment to claim 1. Additionally, baking soda has been removed from the present invention in the claims. Accordingly, it is submitted that Gentile fails to disclose every element of claim 1 and the rejection should be withdrawn.

Claims 2 and 3 depend from claim 1 and are thus believed to be allowable for the reasons noted above.

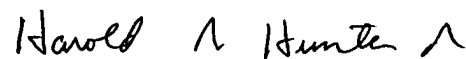
Claims 4 has been rejected under 35 U.S.C. 103(b) as being obvious over U.S. Patent No. 5,392,947 (Gentile) in view of In re Aller. This rejection is respectfully traversed in light of the present amendment.

The Examiner has stated that Gentile differs from the present claims only in the percentages of each component. However, as noted above, Gentile does not disclose or remotely suggest a non-effervescent product with the claimed constituents. Additionally, baking soda has been removed from the composition of the present invention in the claims. Accordingly, even if modified as suggested, Gentile fails to teach every element of claim 4 and it is submitted that the rejection should be withdrawn.

Applicant has chosen to add new claims 6-7. No new matter is contained therein. The prior art of record is not believed to disclose or suggest these new claims.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of claims 1-4 at an early date is solicited.

Respectfully submitted,



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